

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

August 27, 2007

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

**C051799 ENTERCOM COMMUNICATIONS CORPORATION v. ROYCE
INTERNATIONAL BROADCASTING CORPORATION et al.**

Cause called. John S. Sargetis argued for appellants. J. Daniel Sharp argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:01 a.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C054737 OMBUDSMAN SERVICES OF NORTHERN CALIF. V. THE SUPERIOR
COURT OF PLACER COUNTY and COLEMAN**

Cause called. Colin A. Bailey argued and Brian Patrick Lawlor appeared only for petitioner. David J. Bennion argued for real parties in interest. Cause submitted.

At 10:26 a.m., the court recessed. At 10:30 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C051544 VERGARA v. HERITAGE COMMUNITY CREDIT UNION et al.

Cause called. Gonzalo I. Vergara argued for appellant. Robert M. Ruben and David Ian Dalby argued for respondents. Cause submitted.

At 10:54 a.m., the court recessed. At 10:55 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C051836 THE PEOPLE v. TOWNSEND

Cause called. Stephen Greenberg, court appointed counsel, argued for appellant. David A. Rhodes, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:15 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

2

August 27, 2007, continued

Cause called. Deanna F. Lamb, court appointed counsel, argued for appellant. John A. Bachman, Deputy Attorney General, argued for respondent. Cause submitted.

The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Nicholson, J.

We Concur: MORRISON, J.
Sims, Acting P.J.
Butz, J.

The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
Morrison, J.

We Concur: BUTZ, J.
Morrison, Acting P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

August 28, 2007, continued

- C051817 THE PEOPLE v. BOWERS (Not for Publication)**
THE COURT:
Pursuant to the direction of the California Supreme Court, defendant's petition for rehearing is granted...
... The brief's shall comply in all respects with the California Rules of Court.
SIMS, Acting P.J.
Morrison, J.
Robie, J.
- C051896 THE PEOPLE v. ROGERS (Not for Publication)**
The appeal in Sacramento County case no. 04M00197 is ordered transferred to the appellate division of the Sacramento County Superior Court. The sentence imposed in Sacramento County case No. 04F09720 is modified... As modified, the judgment in case No. 04F09720 is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
SIMS, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C053193 THE PEOPLE v. SCOTT (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Morrison, J.
- C053650 THE PEOPLE v. HILL (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
I concur: Cantil-Sakauye, J.
I concur in the result:
Raye, J.
- C053655 THE PEOPLE v. SOLI (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

August 28, 2007, continued

- C054156 THE PEOPLE v. SEMBRANO (Not for Publication)**
The appeal is dismissed as to defendant's claim that the sentence violates the plea agreement. The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Morrison, J.
Butz, J.
- C054970 THE PEOPLE v. MORGAN (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed... A copy of the amended abstract is to be forwarded to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C052006 ELMWOOD NEIGHBORHOOD ASSOCIATION v. CITY OF DAVIS et al. and CAL AGGIE CHRISTIAN ASSOCIATION (Not for Publication)**
The judgment is affirmed. Costs on appeal are awarded to the City and the Association...
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C052918 HAMPTON et al. v. HAMPTON et al. (Not for Publication)**
The judgment is affirmed. Defendants are awarded their costs on appeal.
HULL, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.
- C054125 In re JOHN H; THE PEOPLE v. JOHN H. (Not for Publication)**
The order is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C054249 In re JASMINE L; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. LATASHA A. (Not for Publication)**
The judgment and orders are affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

August 29, 2007

MISC. ORDER 2007-017

BY THE COURT:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on August 30, 2007, and August 31, 2007, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C044445 THE PEOPLE v. SAMPLE (Not for Publication)

The judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment...(2) and forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.
 Butz, J.

C046923 THE PEOPLE v. MURPHY (Certified for Partial Publication)

The judgment is affirmed...

DAVIS, J.

We Concur: Sims, Acting P.J.
 Butz, J.

C052693 THE PEOPLE v. KEP (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Hull, Acting P.J.
 Robie, J.

C053055 THE PEOPLE v. PHILLIPS (Not for Publication)

The judgment is modified... The trial court is directed to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Butz, J.
 Cantil-Sakauye, J.

6

August 29, 2007, continued

Cantil-Sakaue, J.

Butz, J.

Blease, J.

Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

August 30, 2007

- C049624 THE PEOPLE v. MCROBERTS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
I concur: Hull, J.
The majority finds there is sufficient evidence of asportation to support the conviction for attempted kidnapping...
...I would therefore reverse the conviction on count one and set aside the sentence imposed on that count.
Blease, J.
- C052228 THE PEOPLE v. SOLANO (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C052505 THE PEOPLE v. SINGH (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C052534 THE PEOPLE v. GOODSBY (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C052617 THE PEOPLE v. JACKSON (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment... The trial court is further directed to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
MORRISON, J.
We Concur: Scotland, P.J.
Robie, J.
- C052809 THE PEOPLE v. ORTIZ (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

August 30, 2007, continued

- C052887 THE PEOPLE v. WOODS (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C053743 THE PEOPLE v. HANSON (Not for Publication)**
The Yolo County Superior Court is directed to prepare an amended abstract of judgment... As amended, the judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C054412 THE PEOPLE v. DETORE (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Davis, J.
- C050889 TEACHERS' RETIREMENT BOARD, as Manager, etc., et al. v. Genest, as Director, etc. and CHIANG, as State Controller, etc., and CALIFORNIA RETIRED TEACHERS ASSOCIATION (Certified for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. DOF shall reimburse respondents and cross-appellants for their costs on appeal...
SCOTLAND, P.J.
We Concur: Blease, J.
Hull, J.
- C051275 THULIEN, as Trustee, etc., v. FEIGHT (Not for Publication)**
C052269 The judgment in C051275 is affirmed. Costs of appeal in C051275 are awarded to Ronald. The costs order in C052269 is reversed to the extent it awards the costs item for forensic accounting in the amount of \$50,513.52; that item and amount are stricken from the order; in all other respects, the cost order is affirmed. Costs of appeal in C052269 are awarded to Theron.
DAVIS, J.
We Concur: Blease, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

The Minutes

August 31, 2007

- C048432 THE PEOPLE v. JONES (Not for Publication)**
The judgment is reversed with directions to the trial court to conduct a hearing... forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
HULL, J.
We Concur: Scotland, P.J.
Robie, J.
- C051339 THE PEOPLE v. PRINDLE (Not for Publication)**
The judgment is affirmed. However the trial court is directed to correct the abstract of judgment... The court shall forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Hull, J.
- C052578 THE PEOPLE v. JANSSON (Not for Publication)**
The trial court is directed to prepare an amended abstract of judgment... and to forward a certified copy of said amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C054211 THE PEOPLE v. BRIONES (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C054667 THE PEOPLE v. RUTHERFORD (Not for Publication)**
The judgment is reversed insofar as it includes a no-visitation order... The case is remanded to the trial court for reconsideration of the no-visitation order under other pertinent provisions of the law. In all other respects, the judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

The Minutes

August 31, 2007, continued

- C051518 GIFFIN v. KEHOE (Not for Publication)**
MICKALICH v. KEHOE
Kehoe's default is affirmed, as is the judgment aside from the damage award... The parties shall bear their own costs on appeal...
SIMS, Acting P.J.
We Concur: Nicholson, J.
Morrison, J.
- C052904 COOPER et al. v. DUNMORE HOMES (Not for Publication)**
C052950 JONES et al. v. DUNMORE HOMES
The orders of the trial courts insofar as they are subject to this consolidated appeal are affirmed. Respondents shall recover their costs on appeal. ...
BUTZ, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C054091 VIERRA v. WORKERS' COMPENSATION APPEALS BOARD, COLLINS PINE
COMPANY et al. (Certified for Publication)**
The WCAB order denying reconsideration is affirmed. The parties shall bear their own costs on the writ petition...
BUTZ, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C052665 In re A.O.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN RESOURCES v. S.L. (Not for Publication)**
The orders of the juvenile court are affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.